

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARVIN STEWARD,

Plaintiff,

No. 22-11115

v.

Hon. Nancy G. Edmunds

TOUCHPOINT SUPPORT SERVICES, LLC,

Defendant.

ORDER REGARDING PLAINTIFF’S STATE LAW CLAIMS

Plaintiff Marvin Steward brings this employment discrimination case against Defendant Touchpoint Support Services, LLC, alleging violations of the Age Discrimination in Employment Act (“ADEA”), Michigan’s Elliot-Larsen Civil Rights Act (“ELCRA”), the Americans with Disabilities Act (“ADA”), and Michigan’s Persons with Disabilities Civil Rights Act (“PWDCRA”).

This Court has federal question jurisdiction over Plaintiff’s claims arising under the ADEA and ADA, but Plaintiff’s claims pursuant to the ELCRA and PWDCRA are based on state law. While the Court may exercise supplemental jurisdiction over those claims, it has the discretion to decline doing so. See 28 U.S.C. § 1367(c). Plaintiff, however, also appears to invoke this Court’s diversity jurisdiction, which is non-discretionary. But he does not properly assert the citizenship of Defendant. See *V&M Star, LP v. Centimark Corp.*, 596 F.3d 354, 356 (6th Cir. 2010) (stating that “limited liability companies have the citizenship of each partner or member” and “because a member of a limited liability company may itself have multiple members—and thus may

itself have multiple citizenships—the federal court needs to know the citizenship of each sub-member as well”) (citations and quotation marks omitted).

THEREFORE, IT IS HEREBY ORDERED that Plaintiff shall, within ten (10) days of the date of this order, if he chooses to rely on diversity jurisdiction as this Court’s basis to hear his state law claims, properly plead the citizenship of Defendant. If Plaintiff does not respond to this order or if diversity is lacking, the Court will decline to exercise supplemental jurisdiction over Plaintiff’s state law claims.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 3, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 3, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager